

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
)
v.) No. 3:18-CR-144
)
DAVID MILLS)

MEMORANDUM AND ORDER

Now before the court is the defendant's fifth motion to continue trial. [Doc. 36].

Therein, the defendant asks for a resetting of his January 28, 2020 trial date because his attorney has been suffering from a lingering illness. The motion states that it is not opposed by the prosecution. Additionally, defense counsel has advised the undersigned's chambers that the parties are in agreement that trial should be continued to approximately early May of 2020.

The motion will be granted. The court finds that the ends of justice served by granting the motion outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The court finds that failing to grant the motion would deny the defense reasonable time necessary for effective preparation and would unreasonably deny the defendant continuity of counsel. 18 U.S.C. § 3161(h)(7)(B)(iv). The motion requires a delay in the proceedings. Therefore, all the time from the filing of the motion to the new trial date is excludable as provided by the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A).

The defendant's motion to continue [doc. 36] is accordingly **GRANTED**. Trial is **CONTINUED** from January 28, 2020, to **Monday, May 11, 2020, at 9:00 a.m.** in Knoxville. The plea cutoff deadline is reset to April 17, 2020.

Lastly, the parties are cautioned that any further continuance motions in this case must be supported by a substantial showing of good cause.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge